

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RANDALL LEWIS,

Plaintiff,

-against-

ROBERT FRANK,

Defendant.
-----X

MEMORANDUM AND ORDER

11-CV-4916 (ENV) (LB)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 06 2012

Handwritten signature and date: 9/6/12

VITALIANO, D.J.

BROOKLYN OFFICE

Plaintiff filed a pro se complaint on October 6, 2011, alleging a wide variety of claims including claims under 42 U.S.C. § 1983 and state claims of false arrest, malicious prosecution, and intentional infliction of emotional distress. In an Order to Show Cause docketed and mailed to plaintiff on July 27, 2012, the Court held that each of plaintiff's claims is premised on the allegation that he was issued a summons for an open container violation despite a lack of probable cause indicating he had committed such a violation. The Order, further, ordered plaintiff to show cause by August 6, 2012 why this action should not be dismissed with prejudice given that a document submitted by defendant demonstrates that plaintiff pled guilty to the open container violation, thus establishing probable cause existed as a matter of law. August 6, 2012 has passed without any response to the Order to Show Cause. Accordingly, all claims are dismissed with prejudice.

The Clerk of Court is directed to enter judgment and to close this case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.
Brooklyn, New York
August 27, 2012

Handwritten signature of Eric N. Vitaliano
ERIC N. VITALIANO
United States District Judge

Handwritten initials: dm